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JACOB KIMCHI AND SHALOM BUZAGLO

BY

DR. CHARLES DUSCHINSKY

LONDON

LUZAC & CO., 46 GREAT RUSSELL STREET

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(*Paper read before the Jewish Historical Society of England,
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I.

THE greater part of the eighteenth century was comparatively uneventful as far as the inner life of the Anglo-Jewish community was concerned. Politically, we find a number of eminent men like Samson Gideon (Abudiente), Emanuel Mendez da Costa the eminent scientist, Baron d'Aguilar, and others. Political events, too, of singular importance, such as the Bill for the Naturalisation of the Jews, 1753, happened in this period. About the inner life of the community, however, very little is recorded. The term of office of the Ashkenazi Rabbi Aaron or Uri Phœbus Hart¹ was an era of stagnation. The important struggle he had had at the beginning of his career had resulted in the establishment of the Hamburger, or Hambro Synagogue, as it was afterwards termed. The differences between Uri Phœbus Hart and his adversaries Jochanan Holleschau and Mardochai Hamburger, and the great stir which this affair created in the Ashkenazi community of London, have already been dealt with in a masterful paper by the late Prof. David Kaufmann, printed in this Society's *Transactions*, vol. iii. pp. 102-125. In this paper² Prof. Kaufmann gave a sketch of Jewish communal life in London from the beginning of the German Jewish community (about 1690) until about 1750, and made some short references to as late a date as 1772. The chief part of his narrative is based on a pamphlet³ which

¹ He was born about 1670 and died in 1756.

² *Rabbi Zewi Ashkenazi and his Family in London.*

³ תשובות הנאונים ומעשה רב in the volume entitled *מעשה רב*. See Zedner, *Catalogue of Hebrew Books in the British Museum*, London, 1867, p. 325.

was printed in Amsterdam and also in London, 1707, and which records in detail the disputes which led to the foundation of the Hambro Synagogue. Uri Hart was appointed Rabbi in 1705 and died in 1756. The Hambro Synagogue was built in the year 5485 (1725). From that date we do not hear anything more about the Rabbi until the year 1755, when Jacob Kimchi refers to him in his pamphlet on the Shechita question.

Jacob Kimchi was a descendant of the great Kimchi family, the most famous members of which were the great Hebrew scholar, linguist, and grammarian, David Kimchi, his father Joseph, and his grandfather, Isaac Kimchi. The chronology of the Kimchi family was published by Dr. P. Frankl in the Breslau *Monatsschrift*, 1884 (pp. 552-561). Jacob's father was Samuel, Rabbi in Constantinople, contemporary of Jehuda Rozanes, the author of the *Mishneh Lammelech*, one of the most important commentaries on the Code of Maimonides.

Jacob Kimchi seems to have studied diligently under his father, as he became well versed in Talmudics, according to Azulai, who met him in London. Azulai characterises him as "a sharp and well-versed scholar,"¹ a title which is generally reserved for men of exceptional attainments. How old he was when he left Constantinople we cannot ascertain. It seems, however, that he was already in the prime of manhood when he started to travel all over Europe. Like many other poor scholars of his and our times, he published a book whilst travelling, in order to earn his livelihood. The book, *The Rose of Jacob*,² which is a commentary on the Talmud, Tractates Beza and Taanith, was printed in Sulzbach by Zalman, son of Aaron the printer, in the year 5508 (1748). On the title-page the author tells us that he had completed a commentary on several other parts of the Talmud—Section Moed. Josef Krotoschin, Rabbi of Raschowitz, in Bohemia, and Isaac, Rabbi of Kalden and the District of Bechingen (probably Hechingen in Bavaria),³ who gave him approbations for his book (dated 18th of Cheshvan and 17th Kislev, 5508, respectively), describe him as a great Hebrew scholar. Josef Krotoschin writes, in addition, that Kimchi had

¹ שמואל קמחי שם הגדולים. הר"ף ובקי. See s. v.

² ספר שיטת יעקב . . . על ביצה ותענית.

³ Or Hechingen in Westphalia.

several works ready, but had no money to print them, and was thus obliged to come from Constantinople to Germany to collect funds for the purpose, and he recommended him as being worthy of help from the rich. Similarly, speaks the Rabbi of Hechingen on his behalf. In the preface Kimchi explains the method which guided him in his book. He informs us that he was chiefly anxious to find the "Peshat" (the simple meaning of the words of the Talmud and commentaries). He ends up with a poetical acrostic on his name.¹ In this verse he humorously explains that the printer would not print his book for nothing, and as he had no money himself, he had to tread the bitter path of asking help from others, and now that he has got the money he can only afford to have the volume printed in very small type, for which he asks the forgiveness of his readers. After he had printed his book he appears to have travelled further, and ultimately he reached London. Mr. Israel Solomons possesses a print which represents him in Eastern costume selling slippers. The book seems to have had no great market; this would probably account for his having started business. The *Jewish Encyclopedia* (vii. 495), quoting from *Leisure Hour*, 1886, states that he used to frequent the vicinity of the Royal Exchange, and that Oseas Humphreys, attracted by his picturesque appearance, painted his portrait in 1799. I have been unable to ascertain where this portrait is to be found at present, but Mr. Solomons' print is made after it.

In 1760, twelve years after the publication of his volume, *The Rose of Jacob*, he published a booklet under the title of *Question and Response* in Altona.² The contents of this pamphlet, and the motive which led Kimchi to its publication will be the first subject to which I would direct attention. It refers to a Shechita³ question in the London community, which apparently caused disunion in both the Sephardi and Ashkenazi sections for a number of years.

In 1755 the Sephardi congregation elected as Shochet, Haim Albahaly. Shortly after entering upon his duties he complained that

¹ יעקב בן הרב שמואל קמחי.

² The full title of the book is: שאלה תשובה מהרב הנאון הגדול המופלא האלוף המרום נ"י ע"ה פי"ה ב"ש כמ"ה הרר יעקב קמחי נר"ו בעל המחבר שושנת יעקב נדפס ובק"ק אלטונא בשנת תק"ך לפ"ק.

³ שחיטה, i.e. the slaughtering of animals for food.

the meat used in London was mostly *terefa*, or unfit for use according to Jewish law. The animals, he declared, were affected by a disease of the lungs,¹ through which the lungs adhere partly to the surrounding parts of the body.

This statement contained a grave accusation against the other Shochetim, because, before Albahaly's appointment, very few cattle were pronounced unfit for use. Not only were the Shochetim concerned in this charge, but the controversies about the same had serious effects on Haham Isaac Nieto, and on the Ashkenazi Rabbi, Hirsch Löbel (or Hart Lyon). Involved, too, in the dispute, were Israel Meshullam Zalman Emden, Rabbi of the Hambro Synagogue, and his father the famous Jacob Emden, and Emden's adversary, Jonathan Eybeschütz, was almost drawn into it.

Briefly, the affair is mentioned by Prof. Kaufmann in the paper already referred to; also by Dr. Adler in his paper on *The Chief Rabbis of England*; ² by Dr. Gaster in his *History of the Ancient Synagogue Bevis Marks* (London, 1901, pp. 133-35); and by Mr. A. M. Hyamson in his *History of the Jews in England* (London, 1908, pp. 244-45).

The affair lasted from the year 5515 A.M. (=1755) till 5526 (=1766), and perhaps even a year longer—that is, for nearly twelve years. In 1760 Kimchi published his *Question and Response*, which contains his version of the case, together with copies of letters which he wrote and received in connection with it. Let us hear what he himself says at the beginning of his pamphlet.

Page 1. It happened in the year 5515, when Rabbi Phœbus (*i.e.* Uri Hart) was Rabbi of the Ashkenazim in London, and in the Sephardi congregation was Haham the learned R. Isaac Nieto, the second to him in rank being R. Isaac del Vaale, and the third Benjamin Lorenzo. (The two latter were the Dayanim and constituted with Nieto the Sephardi Beth Din or Law Court.) As will be explained later, they resolved to discharge the Shochetim who had been in office until then (1755), because they were under suspicion of declaring unfit animals as fit, and they retained as Shochet Rabbi Hayim Albahaly, and allowed "the

¹ סירכא, literally *adhesion*.

² Dr. Adler's essay is contained in the volume of *Papers read at the Anglo-Jewish Historical Exhibition*, London, 1888. The Exhibition was held in 1887.

inflation of the lungs." "But after that date," Kimchi continues, "misfortunes befell us. The punishing hand of God removed from our midst the Rabbi of the Ashkenazim and he died; also the pious Rabbi Isaac del Valle passed away, whose every deed had been directed to the glorification of the Almighty. When Rabbi Isaac Nieto saw that his helper (I. del Vaale), who had been unto him like a loving brother, was no more, he resigned from the Rabbinate. The leaders of the community then appointed as Head of the Beth Din Rabbi Benjamin Lorenzo, as second to him, R. David de Castro, the Hazan, and as third, R. Moses Hacoheh d'Azevedo. Their first decision was to reinstate as Shochetim those who had formerly been under suspicion, and to dismiss from his position the above-mentioned R. Hayim."

So far Kimchi himself. I have summarised this part of his pamphlet almost verbally, because it brings us *in melius res*, showing the composition of the Beth Din and introducing nearly all the other persons who have a part in this affair as sketched by Kimchi, their contemporary.

We at once see that Rabbi Uri Hart seems to have stood high in the respect of the community at the end of his life, as Kimchi gives him the title, "The Great Rabbi," and deplors his death as a punishment from God. Although Kimchi, like most oriental Jewish writers, is not very economical in applying titles, I think we can infer from his few words about Rabbi Uri that the latter succeeded in gaining authority and reverence in the community, although at the beginning of his career he had many opponents, and was not recognised as an eminent Talmudical scholar.¹

We hear further of the death of Isaac del Vaale, who had been Dayan of the Sephardi Congregation for a number of years, and we gather that he was a saintly man. Isaac Nieto, one of the most prominent men who took part in this controversy, is likewise introduced here, and we are given to understand that the reason for his resignation was the death of Isaac del Vaale. It is more probable, however, that Nieto found it difficult to work harmoniously with Benjamin Lorenzo, and especially with his pupil, Moses Hacoheh d'Azevedo, the later Haham.

Isaac Nieto, the son of the famous Haham David Nieto, was first appointed Haham in 1737,² and gave up his post in 1741, but was

¹ See *חשובות הג' ומעשה רב*, p. 7. ולא ידע בצורתא רשמעתא.

² M. Gaster, *op. cit.*, p. 129.

reappointed in 1751, after a lapse of ten years. Kimchi's report seems to indicate that he was Haham, and not, as Dr. Gaster (p. 131) says, Ab Beth Din only, as Kimchi gives him the same title as he applies to the Ashkenazi Rabbi. Isaac Nieto resigned in 1757, but remained in London, and seems to have had great influence in the community, although he held no office.

Nieto endeavoured to dissuade the new Beth Din—Lorenzo, da Castro, and d'Azevedo—from reinstating the deposed officials, but his protest was ineffectual. He then personally approached the Parnassim, or lay heads, and they asked him to write them an English letter setting forth his reasons and objections. Kimchi prints a Hebrew translation of this letter.¹ In it Nieto sets forth how he had proposed to the Beth Din that investigation should be made into Albahaly's statements. His own observations, and those of the Hazan Benjamin Lorenzo, confirmed Albahaly's opinion. When the Ashkenazi Rabbi (Uri Phœbus) heard this, he likewise prohibited the Shechita of the Sephardic Shochetim. As a lung with the defect referred to cannot be properly examined without being filled with air, he (Nieto) allowed the inflation of the lungs,² although this had not been done previously, for only quite faultless cattle had been used by the Sephardim heretofore. Nieto, however, permitted this method of examination, because, he said, it would be very hard on the poor if they were compelled to use mutton exclusively, as the price of beef was only 2*d.* or 3*d.* per lb., while mutton cost 4*d.* and 5*d.* per lb.; besides 2 lb. of beef would go further than 3 lb. of mutton. Had he not allowed this examination of the lungs people would have bought *terefa* meat, for, he says, "this is a free country and nobody could forbid them." The new Beth Din agreed to the investigation, but conducted it under conditions so unsatisfactory to Nieto that he felt convinced Albahaly was right, and reported in that sense to the Mahamad, as the Council of the Sephardi congregation is styled.

The Mahamad, however, took the contrary view, with the result that parties were formed for and against Albahaly. The Mahamad then asked Nieto to give his reasons for declaring Luria and Miranda as untrustworthy. Nieto answered that although the Beth Din was bound

¹ ש"ח, pp. 2-5.

² נפיקה.

to give an explanation for their ruling—it being a decision of pupils against their master—for the sake of peace, and to clear the situation, and also for the good of the community, he consents to formulate his reasons in the Responsum, which then follows (page 5).

In his Responsum he reiterates the reasons set forth in his letter, and strengthens his decision by citing Solomon ben Aderet (Resp. Aderet., No. 782), where the case is clearly given. A Shochet is trustworthy in matters of Shechita, as a single witness,¹ only so long as there is no shade of suspicion against him; when, and as soon as, such suspicion arises, he becomes at once an unfit person for that office, and meat killed by him is *terefa*. Nieto further justifies in the Response his opinion as to the lawfulness of examining the lungs by inflation.

On receipt of this letter and Responsum the Mahamad convened a meeting of the Elders, and resolved to have a strong letter written to Nieto, prohibiting him from that day onwards from assailing the actions and resolutions of the Mahamad, whatever they might be; that the Beth Din had the right to do what they pleased; and they formulated a regulation that no Jewish scholar should speak against the Beth Din, and that anyone who infringed this rule should be fined five pounds.

When Kimchi saw that Nieto had failed, he felt it his duty to step forward. "I (Kimchi) am not one of the Yehidim,"² he says, "the Mahamad cannot impose a fine upon me. I therefore take it upon myself to plead the cause of justice to the Jewish law." As at that time they had just elected a new Rabbi for the Ashkenazi congregation, at the beginning of 5517 (1757), and as he thought two are better than one, he would wait till the new Rabbi (Hirsch Löbel or Hart Lyon) was installed. "As soon as he arrived I put the matter before him, and he asked me to lay the whole case before him in writing. He promised that if he saw that we were right he would join us, would put his decision in writing, and should there be any doubt between us and him, he would ask other authorities, and thus would try to restore peace in the community."

Kimchi then wrote him a letter (pp. 8-15) stating the whole case as we have already heard it in Nieto's letter to the Mahamad. The proofs

¹ ער אחד.

² The ordinary member of the Sephardic congregation is still known as a יחיד.

of his accuracy on the point of religious law he adduces in a very lengthy and complicated argument, whereby he connects this question with a great number of other Talmudical and Rabbinical laws. The important decisions and opinions about "average," "supposition," laws of "borrower and creditor," the "law of the majority,"¹ &c., are ventilated from all sides with quotations from the Talmud and its commentators, from Maimonides' Code and its commentaries, and from various Responsa.

This letter Kimchi handed over to the Ashkenazi Rabbi, Hirsch Löbel. The latter, also called Hart Lyon, was a son of Rabbi Aryeh, Rabbi of Resha and afterwards of Glogau and of Amsterdam, who was a son-in-law of the Haham Zewi Ashkenazi. Hirsch Löbel was born in 1721, and was elected a Rabbi of the Ashkenazi congregation in 1757. He was therefore thirty-six years of age when he came to London (see Azulai s.v. Heschl, part 1, and s.v. Saul). His brother Saul² was successor of his father as Ashkenazi Rabbi in Amsterdam, and in his book, *Binjan Ariel*, appears a Hebrew poem by Rabbi Hirsch Löbel. He was called Hirsch (Zewi) after his grandfather, the Haham Zewi, and Löbel after his father. He was in office in London until 1764, when he was elected Rabbi of Halberstadt, and in 1773 he accepted a call from the Berlin community, and was known afterwards as the "Berliner Rav." He died in 1800 at the age of seventy-nine. His son was the late Rabbi of Duke Place Synagogue, Solomon Herschel.³

Kimchi tells us (p. 16) that he gave his letter to Rabbi Hirsch Löbel and waited for a reply. The Rabbi, however, informed him that his Parnassin had forbidden him to answer. Mr. A. Hyamson says in his *History of the Jews in England* (p. 245): "Jacob Kimchi declared that all the Shochetim under the control of Rabbi Löbel were unfit to hold their offices. The Rabbi desired to defend his subordinates, but his wardens refused him the necessary permission to do so, and it was probably in consequence of this action that Rabbi Hirsch Löbel, otherwise known as Hart Lyon, resigned his office in 1764 and retired to the Continent." From the foregoing it is obvious that Mr. Hyamson's statement needs amendment. Kimchi did not accuse the Ashkenazi

¹ רוב, מלוה ולוה, חזקה, אומדנא.

² בעה"מ ספר בנין אריאל.

³ Dembitzer, כלילת יופי, Cracow, 1888, p. 134.

Shochetim, but those of the Sephardim. He never spoke or wrote anything against Rabbi Hirsch Löbel, but on the contrary asked him for support in the accusation originally initiated by Isaac Nieto. Mr. Hyamson also states that Hirsch Löbel was appointed in 1757, and that his father, Rabbi Aryeh Löb, was at that time Rabbi of Resha. Rabbi Aryeh Löb left Resha before 1739, to follow a call to Gross Glogau, as in the winter of that year he signed an approbation on the book *Beth Samuel*, a commentary on the Pentateuch, which was printed in Solkiew in the same year (1739). His signature to this approbation is "Aryeh Löb, Rabbi of Gross Glogau, and Rabbi elect of Lemberg."¹ He had already been Rabbi of Amsterdam for seventeen years, since 1740, when his son was elected as Rabbi of the Ashkenazi congregation in London. It is interesting to note that R. Aryeh Löb exchanged the Rabbinate of Lemberg for that of Amsterdam, while his father-in-law, R. Zewi Ashkenazi, known as Haham Zewi, preferred Lemberg to that of Amsterdam, as he was first Rabbi in Amsterdam and then went to Lemberg. Haham Zewi had also had occasion to be of influence in the London community. It was his testimony which vindicated Haham David Nieto against the accusation of Spinozism. Later he even came to London (1710) and was offered the post of Rabbi of the Sephardi community, which he refused (see Kaufmann, *loc. cit.*, p. 108 ff.).

It appears that Rabbi Hirsch Löbel was not satisfied with Kimchi's arguments, as he did not forbid the Shechita of the accused Shochetim. In order to avoid entering into a controversy with Kimchi, his Parnassim, as already stated, did not allow him to put his reasons in writing. Kimchi is very indignant about this in his second letter to the Rabbi (ש"ט p. 16). He argues that it would have been his duty as a great scholar to teach Kimchi and explain his reasons. His argument is again based on the Talmud (Babli. B. Mez., p. 7), Rashi, Maimonides (Mamrim, c. 1) Resp. Aderet (No. 556). He cites a Responsum of R.

¹ נאום אריה לייב חונג בק"ק גלוגא רבתי ומצ"פ לק"ק לבוב והגליל. See also Dembitzer, p. 132, and Buber, אנשי שם, pp. 38, 39. I did not see Buber's book until after I had written this paper. Buber mentions an approbation by R. Aryeh Löb for the ש"ס Frankfort-Berlin (1715-39) in similar terms, dated already תצ"ד = 1734. R. Aryeh Löb seems to have had a call to Lemberg in or before 1734, to which he did not respond until 1739, but seems to have gone back to Glogau, which he leaves the 24th Tammuz, 1740, for Amsterdam.

Simon b. Zemach Duran,¹ wherein this celebrity decided that *one ought not to accept the decision of a Beth Din where the Assessors are afraid of the Parnassim and leaders of the community*. The more does this apply to the Rabbi, who is even afraid to put his opinion in writing, and confesses himself that he does it by *order* of the Parnassim. This letter he signs in the week when the Sidra Noah is read (beginning of Cheshvan) in the year 5517 (towards the end of 1756). R. Hirsch Löbel ignored the second letter as he had the first. Then Kimchi addressed himself to the Sephardi Dayan or Hazan, a member of the Beth Din, Isaac Belisario, who in answer expressed the opinion that it was the Rabbi's duty to answer Kimchi's questions. Kimchi had sent to Belisario—on whom see Gaster. *op. cit.* p. 150—the first responsum which he had previously sent to R. Hirsch Löbel (ת"ש p. 8–16), and received a reply in Spanish. We have now Kimchi's reply to Belisario (on p. 18). It is marked No. 3. In this letter Kimchi first reproaches Belisario for writing in Spanish, a language which Kimchi did not understand. He had, however, seen a further letter from Belisario on the matter, written to a certain Jacob Mesgoro, and this induces Kimchi to reply. Kimchi then copies Belisario's letter, and we see that the latter did not agree with Kimchi, but thought that the Shochetim were not under suspicion.² The rest of Belisario's letter consists of a refutation of all the points raised by Kimchi—Belisario seems to have been a thorough Hebrew scholar. He is familiar with all the laws and Talmudical passages relating to the question.

Two years elapsed, writes Kimchi, and things went on as before; the same Shochetim were still in office, and thus people were eating meat which is forbidden. "I find," he says, "that I cannot get any help from within, namely, the London Community, so I will appeal to those well versed in the questions of the law, the Rabbis and Geonim in other lands, and they shall show the Children of Israel the right path wherein they shall walk." As a friend of his was going to Hamburg, he placed the whole of the case and the Responsa and letters written by him and others before the famous Rabbi Jonathan Eybeschütz, and said that he

¹ See בית יוסף, to Tur., ח"מ, § 14, ed. Vienna, p. 11a.

² שכל זמן שאין עדות ברורה שמנתקים הסירכות אין שם חשד עליהם אלא חשש כי זה הוא החילוק בין חשד לחשש. שחשד הוא בערים וחשש הוא מכא סברא. (ש"ת, p. 19, bottom)

would abide by his decision. The whole pamphlet was therefore written for this purpose. It is dated 5520 (1760).

It is well known that Rabbi Jonathan Eybeschütz was at the time Rabbi of the threefold congregation of אה"ץ (Altona, Hamburg, and Wandsbeck), and that he had been engaged in a heated dispute with Rabbi Jacob Emden Ashkenazi, son of Haham Zewi Ashkenazi, who accused him of being a secret follower of the Sabbatai Zewi, the famous claimant of Messianic dignity. The controversy was one of great importance in the whole of Jewry throughout the world, as in it were involved not only the Rabbis of Germany and Holland, but also those of Russia, Poland, Austria, Hungary, Italy, and Turkey. Eybeschütz was already an old man when this pamphlet reached him, he died in 1764, four years later, at the age of seventy-four. He does not seem to have taken much notice of the whole matter, as it is not mentioned in any of his books, nor is any Responsum of his known relating to the question. The fact, however, that Kimchi addressed himself to Eybeschütz was sufficient to make Emden take the other side. Emden was a man of strong determination and a vigorous controversialist. Even his nephew, the already mentioned Rabbi Hirsch Löbel, Rabbi of London and later of Berlin, reproaches him for his self-will.¹ Emden's son, Israel Meshullam Zalman, Rabbi of the Hambro Synagogue, writes to him on the 8th day of Elul, 5526 (1766), *i.e.* six years after the publication of Kimchi's pamphlet.² He states that for years past many people did not eat from the Shechita of the Sephardi Shochetim on account of the accusation already explained.³ The Sephardim at last addressed themselves to him for a decision in the matter, and he found indeed that the cattle were subject to the *sircha* disease. He thereupon appointed two new Shochetim and allowed them to try and release the adhesion by

¹ In Emden's commentary, לחם שמים, on Pirke Aboth, edited with notes by Hirsch Löbel, Berlin, 1834, Hirsch Löbel says (p. 34) of his uncle, Jacob Emden: אם היות ידעתי גדולת המחבר הלזה וכל מעשה תקפו ובקיאותו בש"ס ופוסקי' בשגם הוא דודי ורעי מ"מ מי יוכל להתאפק לשמוע בזילוחן של נאוני עולם הראשונים.

² שאילת יעבץ, ii. No. 145.

³ He mentions that R. Isaac Nieto and "והח" רש"ב, which probably means Rabbi Shalom Buzaglo (about whom we shall hear further) were among those who did not eat from the Sephardi Shechita.

lifting it up with the finger, but not by the inflation of the lungs, and now he asks Emden whether he approves of it. In Emden's answer, he approves of his son's decision, but points out to him that there is no harm in inflating the lungs—in fact it is imperative to examine the lungs in that way if a *sircha* was torn off. It is difficult to understand how the whole controversy about this went on, as the law in this respect is quite clear. Jacob Emden, however, does not reproach his son for this mistake, but his whole wrath turns against Kimchi, whom he calls an unreliable talker, whose whole Responsa in the matter are ridiculous.¹ In the Responsum, vol. ii. 145, Emden says he will not go further into the matter unless the two parties address a question to him and undertake to abide by his decision. Whether such a question was put to him is not to be ascertained. In the following Responsum (No. 146) he does not refer to it, and does not give the date on which he wrote it, but takes every word of the pamphlet and replies to it in such a lengthy way that this Responsum fills nearly five folio pages, and is therefore nearly as long as Kimchi's whole pamphlet. He makes light of Kimchi's arguments from beginning to end. One answer is especially notable. Kimchi, he says, wants to stamp all the cattle in England as being *terefa*, because most of them are affected with *sircha*. Probably, says Emden, the animals have this slight defect on account of their being fat, and such *sirchoth* which are only caused by the fatness of the animal, are not *terefa* at all. He charges Kimchi with giving decisions in matters which he does not understand, and which he has no right to give. Emden goes so far as to say that Solomon ben Aderet, one of the greatest commentators of the thirteenth century, had given a decision against tradition.² Only those who are familiar with the spirit of the Rabbis in the last centuries, and who know in what reverence and authority the opinion of Aderet was, and is, held by every Rabbinical student and scholar, can realise what audacity was necessary on Emden's

ועמדתי משתומם כשעה חרא על אותו המפטפט בפיטומי מילי בעלמא¹
רוצה להכריע אחרים באורחותיו כנראה לי דלאו בר סמכא הוא כלל. (שאלות
י"עב", ii. ed. Lemberg, p. 45a).

רק הרשב"א לבדו מלכו הוציא מילין לא מפי הקבלה הוא אומר אלא²
כתולק על נאונים קדמונים אחזו שער ההיתר פתחו ואין סוגר. וכו' . . . לא מפי
הקבלה כתב רשב"א כך אלא מדעתו וסברתו הפשוטה. (*ibid.*)

part to write this. "How can Kimchi know what is inside an animal before it is opened?" Emden continues, "why, then, does he suggest that the majority are *terefa*?" In this manner he speaks from beginning to end, and the whole *Responsum* reveals an unfavourable aspect of Emden's character. This decision is very important for the illustration of Emden's disposition, and I wonder whether Graetz did not overlook it when he glorified him at the expense of Eybeschiitz. More important than the whole Shechita affair and Kimchi's *Responsa* are these letters of Emden, as they throw light upon a personality who played a great part in the history of the Jews in general, and who is even nowadays regarded as one of the greatest Talmudical authorities of his time.

II.

A similar incident still less known (neither Dr. Gaster nor Mr. Hyamson mentions it) is the one I shall next deal with. Jacob Emden's son, Israel Meshullam Zalman, was, as we have heard, Rabbi of the Hambro Synagogue in London. There lived in London at the time of the Shechita dispute (1766) a scholar named Shalom Buzaglo. He was born in Morocco, and seems to have been Dayan there or in Amsterdam, and later we find him in London. He had published in 1769 in Amsterdam a Cabbalistic work,¹ to which he received approbations from the Chief Rabbi Saul of Amsterdam, grandson of the Chacham Zewi Ashkenazi, and therefore cousin of Rabbi Israel Meshullam Zalman, who likewise gave Buzaglo an approbation for this work. His testimonial is the more interesting, because of the terms in which he signs himself,² "who at present dwells among the chosen people of God, the Hamburger Congregation, and is Rabbi elect of London and the Provinces." Already Wagenaar, in his *Biography of Jacob Emden*³ and Dembitzer (*loc. cit.*, p. 94), felt the difficulty of explaining this signature. We know that Rabbi David Tevele Schiff was elected Rabbi of Duke's Place Synagogue in

¹ ס' כסא המלך.

² החונה תוך אמוני עם סגולה בק"ק האמבורגער ומצ"פ בק"ק לונדון המדינה
The phrase ומצ"פ is an abbreviation of פרוסה—“his net is drawn”; it implies that he has been appointed to another congregation.

³ תולדות יעב"ץ.

1765, and the general opinion (see *Jewish Chronicle*, February 21, 1913) is that he was the first Chief Rabbi of the whole of England. Dembitzer suggests that the signature, *Rabbi elect of London and the Provinces* may have been a standing signature of Meshullam Zalman Ashkenazi, and means that people from the whole town and country addressed themselves to him with questions; and thus he said that "his net was drawn over London and England." This opinion, however, is hardly justifiable. Not only is no other similar signature of Emden known, but it is indisputable that the expression, *his net is spread*, is *exclusively* used by a Rabbi when elected from one position to another before he takes up the new one. I think the explanation is as follows. There was no Chief Rabbi of London and the United Kingdom at the time. This title only came into existence under the late Dr. N. M. Adler. There were the Rabbis of the Duke's Place and the Hambro Synagogues, and later also the Rabbi of the New Synagogue. They were independent of one another, and the Rabbi of Duke's Place, being the head of the more important congregation, signed himself Rabbi of London,¹ or Rabbi of the Great Synagogue, while the others signed as Rabbi of the Hambro Synagogue, and so forth. Possibly they formed with a Dayan, or any other third scholar, a Beth Din, and Meshullam Zalman Emden was elected head of that Beth Din, and signed the approbation before actually taking up that position.²

A proof for my explanation will, I think, appear in the incident I am about to relate. Shalom Buzaglo had enjoyed repute as a famous

¹ R. Solomon Herschel signed himself *המדינה והמדינה* in the "Caution" issued by him against Prof. Marks' Form of Prayers, etc., on the 24th October 1841, and in his approbation to S. J. Cohen's *Elements of Faith*, London, 1815; but from the *Laws of the Great Synagogue*, printed in 1827, it is obvious that he was not *elected* as Chief Rabbi of England. Nothing is mentioned of his duties or rights in connection with any other congregation; even the election of the Rabbi is under the same rules as that of the Chazan, Beadle, and Collector (see Law, 218, p. 55).

² Kaufmann, *loc. cit.*, p. 121, suggests that Emden had had a call to the Duke's Place Synagogue before R. David T. Schiff, but that this invitation was immediately withdrawn. We have no records anywhere that he was actually elected nor of the withdrawal, and, besides, Emden's signature on that approbation is dated 1769, while Schiff was already Rabbi of the Great Synagogue in 1765, so that it could hardly refer to that suggested election four years previously, and my explanation seems to me the more acceptable.

Cabbalist, and probably, while in Amsterdam, took part in the dispute about vaccination (see Schechter, *Studies in Judaism*, i. p. 377), and in the accusation about the famous amulets of Jonathan Eybeschütz he also gave his opinion (שפת אמת, p. 60, and Graetz Gesch., vol. x. p. 404). He edited several works on Cabbalistic subjects.¹

On Wednesday the 15th day of Sivan of the year 5534 (1774) Buzaglo writes a pamphlet,² which was shortly afterwards published.³ The contents are as follows:

On the day mentioned the Parnassim of the Ashkenazi Synagogue, accompanied by the woman Rebekah, daughter of Jehuda, with her *Get* (letter of divorce), together with the authority to hand it over to her,⁴ came to Buzaglo and asked his decision as to the validity of the document. He, not being in office, declined to answer; but on their third visit they explained that their own Haham had sent them to refer the case to him. Six years previously (1768) a messenger named Saul ben Jehuda had brought the letter of divorce and authorisation from Amsterdam. The matter was referred to Rabbi Israel Meshullam Zahnan (who is styled by Buzaglo as the Haham of the Ashkenazim); but the Rabbi declined to perform the ceremony of delivering the *Get*. The beadle (*shamash*) of the congregation, "an old and venerable man named R. Channoch," now verified the woman's statement. As the Rabbi was not to be persuaded, the messenger, who began to feel unwell and feeble, brought three Polish Jews to her house. They read the *Get* from beginning to end, and the messenger said all which it is prescribed to say in such a case according to Jewish law, and in the manner he had been instructed by Rabbi Saul, Rabbi of Amsterdam.⁵ The messenger then went back and

¹ They include the Zohar (Amst., 1772), which he prepared when still in Morocco (see preface), the already mentioned כסא מלך, ספר הדרת מלך (Amst., 1766, and London, 1772), and ס' מקדש מלך, edited by Haham David b. R. Meldola (Amst., 1750).

² משעה שהיה כך היה בדקדוק רב.

³ So far as I know the only extant copies of each of the three pamphlets are those contained in the British Museum (Cat. Zedner, p. 163). A reprint of these with my introduction and notes will appear in the January 1914 issue of the *Hebrew Quarterly* (הצופה מארץ הנה), which is edited by Prof. L. Blau in Budapest.

⁴ הרישאה.

⁵ מעשה שהיה, p. 2.

shortly afterwards died. The woman Rebekah brought two witnesses to corroborate this evidence, and said that she, and the father of her two children, now desired to marry according to the law of Moses and Israel ; but the Rabbi declined to marry them, giving no reason for his refusal.

Before continuing Buzaglo's narrative, it may be recalled that Rabbi David Tevele Schiff was elected in 1765. The *Get* in question was brought by the messenger in the year 1768. Had Schiff really been Chief Rabbi of London and Great Britain the *Get* surely would have been brought to him. The head of the Ashkenazi community seems to have been Emden, and therefore the *Get* was brought to him. He seems to have been the head of the Beth Din, and to have performed exclusively all the ceremonies which only a Beth Din can perform, like *Get* and *Chalitzah* ; otherwise surely the woman would have gone to Rabbi David T. Schiff.

Buzaglo gave his decision to the Parnassim of the Ashkenazim after three days' careful consideration, and declared the *Get* valid and the children as legitimate, according to Jewish law. The Parnassim then told him that Rabbi Meshullam Zalman Emden had told them that he regarded the *Get* as invalid, and as the woman was still the wife of her first husband, the children therefore were illegitimate. Buzaglo asked to hear his reasons, and Emden came to his house on the following day. Buzaglo explained to him his grounds for the validity of the *Get*, quoting passages from the codes and commentaries. Emden agreed with him, and said that the children were legitimate, but that he preferred to apply the stricter opinion of Moses Isserlein. When Buzaglo told him that even Isserlein decides that the woman need not bring witnesses for the delivery of the letter of divorce,¹ he became silent, and started speaking about something else. Emden, says Buzaglo, had agreed in presence of all his household that the children were legitimate ; but Emden withdrew what he had said, and had an announcement read on the following Sabbath in the Synagogue declaring the *Get* not valid. Buzaglo then writes a letter to Emden asking for an explanation of his decision. He repeats practically the whole case, and ends up that he expects an answer, and suggests putting the case before other Rabbis.

Twelve days elapsed and he received no reply. Buzaglo thereupon

¹ שו"ע אה"ע, ch. cxli. § 13.

wrote his decision and the reasons, so that the public might judge for themselves, and signed it in the week of Sidra חקת (beginning of Tammuz) of the year 5534 (1774). The last leaf of the pamphlet contains a declaration that the two Rabbis of the Sephardim and Ashkenazim (Moses d' Azevedo and David T. Schiff) had publicly declared that Buzaglo was right. This declaration was written on the 28th day of Tammuz. This last page is half printed in Hebrew and half in Yiddish, and ends up with a Yiddish note as follows: "The public may be content with this assurance until after Sabbath נחמז (the Sabbath following the ninth of Ab), when there will follow a further publication, which will be a satisfaction¹ to all who love justice." He seems to have written another pamphlet in Ab soon after the fast, but this is lost. I cannot trace any copy of it. It is not in the British Museum, which possesses the other pamphlets. The next pamphlet is dated the 8th day of Elul, about a month later, and entitled *A Reproach to the Backsliders, and a Reward to the Penitents*.² In this pamphlet, which consists of four leaves, of which three are printed on one page only, and the fourth on both sides, Buzaglo writes that on Monday the 8th day of Elul, 5534, there came to his house the worthy Phœbus Levy, and told him he was a messenger from Rabbi Zalman Emden, and had brought with him a letter from the Rabbi of Prague (R. Ezekiel Landan), dated the 7th Ab, 5534. Buzaglo said, after reading it, that he wishes to see also the letters which came from the Rabbis of Frankfurt and Amsterdam, and a copy of the question which Emden put to these Rabbis, because it seems to him that he had not put the case before them adequately. When he has seen these, he will willingly admit that he was wrong—if he really *was* wrong. He had, however, strong doubts as to whether the Rabbi (Emden) had presented the matter accurately to the Continental Rabbis. Then follows a letter which Buzaglo gave to the messenger Levy for Emden. Therein he uses strong language, and accuses the last named of ignorance. At the bottom of page 2 follows a declaration from Haham Moseh Acoen di Azevedo that Rabbi Tevele Schiff had shown him a Responsum by himself given to Buzaglo, and that it is word for word a copy of the Responsum which was printed by Buzaglo in the pamphlet, *A Reproach*

¹ זאטיספאקציעיאהן.

² The Title is, תוכחה לשובבים ותקנה לשיבים. For שובב see Jer. xxxi. 22.

to the Backsliders and a Reward to the Penitents. The letter is dated 2nd of Elul. Whether this letter refers to Buzaglo's Responsum which he printed in this pamphlet, or whether David Tevele Schiff wrote him a Responsum which he promised to print in this pamphlet, and did not, is not to be ascertained. It may have been printed in the lost pamphlet. The few lines of Haham d'Azevedo are very carefully worded, and he does not commit himself to an opinion one way or the other.

Buzaglo seems to have had some influence in the community, as in spite of the abuses which he showered upon the Rabbi Emden, the latter replies to him and asks him in humble words to guard Israel from strife and not to listen to outside influences, calculated to bring about disunion between scholars, and he asks Buzaglo to state his opinion clearly, as he was quite willing to listen to argument, so that there should not be two different laws in Israel. Emden signs himself as his "true friend." Buzaglo thereupon writes his last letter in answer to Emden's, and declines to accept Emden's proposal as seriously meant. Buzaglo says that Emden's congregation were not satisfied with him, and would have liked to send him away; that only a few of the members were his friends, who were attracted by the smoothness of his tongue. We may infer from the last remark that Emden must have been a good preacher.

Nothing more is mentioned about this affair in the contemporary Responsa, or as far as I know otherwise, nor have I been able to ascertain when and where Israel Meshullam Zalman Emden and Buzaglo died. We must assume that Buzaglo exaggerated the faults of Emden in his zeal to plead the cause of the woman, to whom, he thought, an injustice had been done. The dispute had become a bitter one, and we have to be careful what to believe of Buzaglo's reports about his antagonist. Some of the qualities attributed by him to Emden may have been true; for instance, that he was proud of his learning, and that he was not of a peaceful nature and sweet temper, as it is possible that he was like his father, Jacob Emden, in this respect. With careful reservation, we are able to conceive the part this grandson of the Chacham Zewi played in the Jewish life of London, and we have to thank Jacob Kimchi and Shalom Buzaglo for having giving us a glimpse into these bygone times. Long-forgotten incidents like these, apparently of little importance, unfold great aspects of history. It is from small

issues that great events follow. It is such records that provide the historian with some of his most useful material. In themselves perhaps of only local import, they nevertheless throw an intimate light on the communal life. They reveal at once an anxiety to keep in true line with the older Jewish tradition, and a desire to apply that tradition vitally. Although no special glory is attached to either of these disputes and incidents, I thought that the men involved in them deserve that their names should not be overlooked by those engaged in writing Anglo-Jewish history.







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